

40. The computer-readable storage medium of claim 39, wherein the set of instructions further comprises instructions for receiving an electronic transmission of a transcription from the off-site service provider.

41. The computer-readable storage medium of claim 36, wherein the storage medium comprises a portable storage device.

42. The computer-readable storage medium of claim 36, wherein the storage medium comprises a memory of a computer.

#### REMARKS

Claims 13 and 19-21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,946,659 ("Lancelot"). Claims 22-29 stand rejected under 35 U.S.C. § 102(a) as being anticipated by MedicaLogic's "Logician" application and related products, as disclosed in the following references: four MedicaLogic press releases respectively dated January 27, 1997, February 17, 1997, October 27, 1997, and November 10, 1997; Lynne Dunbrack, "Practice-Management Market to Reach \$1 Billion by 1999," Health Management Technology, June 1996, 31-34 ("Dunbrack"); and Ellen Messmer, "MedicaLogic Readies Distributed Patient Information Software," Network World, June 5, 1995, 37 ("Messmer"). Claims 14-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lancelot in view of U.S. Patent No. 5,146,439 ("Jachmann"). Finally, claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lancelot in view of Jachmann and Mary K. Kerrigan, "A New Profit Center," Computers in Healthcare, Dec. 1987, 33-36 ("Kerrigan").

More than a year ago, the Applicant was faced with -- and overcame -- the exact same rejections based on the exact same prior art. Office Action, Apr. 12, 2000, 6-17 (rejecting claims 13-29); Response to Office Action, Aug. 14, 2000, 9-11 (traversing rejection of claims 13-29); Office Action, May 8, 2001, 3 (stating that claims 13-29 were allowable). The only remaining issue in this case was whether claims 1-12 recited patentable subject matter under 35 U.S.C. § 101. Advisory Action, June 15, 2001. To avoid delaying allowance of claims 13-29 due to the

issue concerning claims 1-12, the Applicant canceled the latter claims without prejudice. Second Response to Final Office Action, July 3, 2001. In view of these events, the Applicant was, to say the least, surprised to receive the office action of July 25, 2001 resurrecting the previously-traversed rejection of claims 13-29. Indeed, the Examiner offers no explanation why the arguments previously accepted by the Office are now deemed to be insufficient to traverse the rejections.

In the hope of bringing this unusually-circuitous prosecution to an expeditious close, the Applicant has canceled claims 13-29, without prejudice, and has added new claims 30-42 in an effort to more clearly recite the subject matter of the claimed invention. The claimed invention is directed to automating administration of physician transcriptions -- a task which accounts for a substantial portion of the administrative workload in a typical medical practice. By contrast, the prior art cited by the Examiner relates to computer-based systems for creating, maintaining and distributing clinical information in the form of electronic medical records, or EMRs. None of that prior art teaches or suggests automating the administration of transcriptions as recited in the pending claims. The Applicant therefore respectfully submits that each of the pending claims 30-42 is patentably distinguishable over the prior art of record, and respectfully requests early notice to that effect.

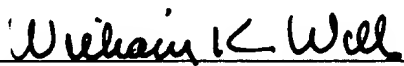
While frustrated with having to revisit rejections that the Office previously withdrew, the Applicant understands that a thorough examination of the present application is in the best interests of all concerned. Accordingly, in the event the Examiner finds the foregoing unpersuasive, the Applicant respectfully requests the opportunity to meet with the Examiner prior to the issuance of any final rejection. The inventor, Dr. Geoffrey Miller, would welcome the opportunity to explain to the Examiner the substantial differences between his invention and the prior art of record. Should the Examiner believe such an interview would be useful, he is requested to contact the undersigned so that Dr. Miller can make arrangements to travel here from California.

Attached hereto is a marked-up version of the changes made to the title and claims by the current amendment. The attached page is captioned **"Version With Markings To Show Changes Made."**

The Applicant invites the Examiner to contact the undersigned to discuss any matter concerning this application. The Applicant hereby authorizes the Office to charge any fees or credit any overpayments arising from this communication to Kenyon & Kenyon's Deposit Account No. 11-0600.

Respectfully submitted,

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**"Version With Markings To Show Changes Made"**

**In the Title:**

Please amend the title of the application as follows:

COMPUTER-BASED SYSTEM FOR AUTOMATING  
[ADMINISTRATIVE PROCEDURES] ADMINISTRATION OF  
PHYSICIAN TRANSCRIPTIONS IN A MEDICAL OFFICE

**In the Claims:**

Please cancel claims 13-29, without prejudice, and add new claims 30-42 as indicated below.

30. A computer-implemented method for automating administration of physician transcriptions in a medical office, said method comprising the steps of:

maintaining an office automation system configured to automatically perform a plurality of tasks for administration of physician transcriptions, the office automation system including a database containing provider information and patient information;

inputting digital representations of a plurality of physician transcriptions to the office automation system; and

automatically generating one or more administrative reports associated with the physician transcriptions from the office automation system, the one or more administrative reports being of a type selected from a group consisting of departmental management reports, data availability reports, provider workload status reports, transcription tape status reports, medical record review status reports, and chart location reports, said automatic generation including populating fields in the reports with provider and/or patient information from the database where appropriate.

31. The computer-implemented method of claim 30, further comprising the step of maintaining information relating to a current workload for each of a plurality of transcriptionists.

32. The computer-implemented method of claim 31, further comprising the step of assigning a transcription tape to a transcriptionist based upon the current workload information.

33. The computer-implemented method of claim 30, further comprising the step of managing performance of transcription tasks by an off-site service provider.

34. The computer-implemented method of claim 33, further comprising the step of receiving an electronic transmission of a transcription from the off-site service provider.

35. The computer-implemented method of claim 30, wherein said method is provided as a subscription service.

36. A computer-readable storage medium containing a set of instructions for execution by a computer, the set of instructions serving to automate administration of physician transcriptions in a medical office, said set of instructions comprising instructions for:

maintaining an office automation system configured to automatically perform a plurality of tasks for administration of physician transcriptions, the office automation system including a database containing provider information and patient information;

inputting digital representations of a plurality of physician transcriptions to the office automation system; and

automatically generating one or more administrative reports associated with the physician transcriptions from the office automation system, the one or more administrative reports being of a type selected from a group consisting of departmental management reports, data availability reports, provider workload status reports, transcription tape status reports, medical record review status reports, and chart location reports, said automatic generation including populating fields in the reports with provider and/or patient information from the database where appropriate.

37. The computer-readable storage medium of claim 36, wherein the set of instructions further comprises instructions for maintaining information relating to a current workload for each of a plurality of transcriptionists.

38. The computer-readable storage medium of claim 37, wherein the set of instructions further comprises instructions for assigning a transcription tape to a transcriptionist based upon the current workload information.

39. The computer-readable storage medium of claim 36, wherein the set of instructions further comprises instructions for managing performance of transcription tasks by an off-site service provider.

40. The computer-readable storage medium of claim 39, wherein the set of instructions further comprises instructions for receiving an electronic transmission of a transcription from the off-site service provider.

41. The computer-readable storage medium of claim 36, wherein the storage medium comprises a portable storage device.

42. The computer-readable storage medium of claim 36, wherein the storage medium comprises a memory of a computer.